

104TH CONGRESS
1ST SESSION

H. R. 1751

To amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1995

Mr. TOWNS (for himself and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Physician Assistant
5 Incentive Act of 1995”.

1 **SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR PHY-**
2 **SICIAN ASSISTANTS.**

3 (a) REMOVAL OF RESTRICTION ON SETTINGS.—Sec-
4 tion 1861(s)(2)(K)(i) of the Social Security Act (42
5 U.S.C. 1395x(s)(2)(K)(i)) is amended by striking “(I) in
6 a hospital” and all that follows through “shortage area,”.

7 (b) INCREASED PAYMENT.—

8 (1) IN GENERAL.—Section 1842(b)(12) of such
9 Act (42 U.S.C. 1395u(b)(12)) is amended by adding
10 at the end the following new subparagraph:

11 “(C) With respect to services described in clause (i)
12 and (iv) of section 1861(s)(2)(K) (relating to physician as-
13 sistants)—

14 “(i) payment under this part may only be made
15 on an assignment-related basis; and

16 “(ii) the amounts paid under this part shall be
17 equal to 80 percent of (I) the lesser of the actual
18 charge or 85 percent of the fee schedule amount
19 provided under section 1848 for the same service
20 provided by a physician who is not a specialist; or
21 (II) in the case of services as an assistant at sur-
22 gery, the lesser of the actual charge or 85 percent
23 of the amount that would otherwise be recognized if
24 performed by a physician who is serving as an as-
25 sistant at surgery.”.

1 (2) CONFORMING AMENDMENT.—Section
2 1842(b)(12)(A) of such Act (42 U.S.C.
3 1395u(b)(12)(A)) is amended in the matter preced-
4 ing clause (i) by striking “(i), (ii),” and inserting
5 “(ii)”.

6 (3) TECHNICAL AMENDMENT.—Section
7 1842(b)(12)(A) of such Act (42 U.S.C.
8 1395u(b)(12)(A)) is amended in the matter preced-
9 ing clause (i) by striking “a physician assistants”
10 and inserting “physician assistants”.

11 (c) BONUS PAYMENT FOR SERVICES PROVIDED IN
12 HEALTH PROFESSIONAL SHORTAGE AREAS.—Section
13 1833(m) of such Act (42 U.S.C. 1395/(m)) is amended—

14 (1) by inserting “(1)” after “(m)”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2) In the case of services of a physician assistant
18 furnished to an individual, described in paragraph (1), in
19 an area that is a health professional shortage area as de-
20 scribed in such paragraph, in addition to the amount oth-
21 erwise paid under this part, there shall also be paid to
22 such physician assistant (or to an employer in the cases
23 described in subparagraph (C) of section 1842(b)(6)) (on
24 a monthly or quarterly basis) from the Federal Supple-
25 mentary Medical Insurance Trust Fund an amount equal

1 to 10 percent of the payment amount for the service under
2 this part.”.

3 (d) REMOVAL OF RESTRICTION ON EMPLOYMENT
4 RELATIONSHIP.—Section 1842(b)(6) of such Act (42
5 U.S.C. 1395u(b)(6)) is amended by adding at the end the
6 following new sentence: “For purposes of subparagraph
7 (C), an employment relationship may include any inde-
8 pendent contractor arrangement, and employer status
9 shall be determined in accordance with the law of the
10 State in which the services described in such subparagraph
11 are performed.”.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to services furnished
14 and supplies provided on and after July 1, 1995.

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